IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.347 OF 2005

Mrs.Ratnamala Sampat Nimbolkar. .. Petitioner
v/s.
The Union of India & ors. .. Respondents

Mr.Vinod Tayade for petitioner.
Mr.Suresh Kumar for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 21ST FEBRUARY 2005

P.C. :

1. Heard Mr.Tayade in support of this petition. Mr.Suresh Kumar appears for the respondents.

2. Rule. Rule is made returnable forthwith.

3. This petition seeks to challenge the order dated 2nd August 2003 of the Central Administrative Tribunal declining to restore the Original Application filed by the respondents which came to be dismissed for default since the Advocate of the petitioner was not present. The restoration application also came to be dismissed

by an order dated 7th January 2005. Both these orders are under challenge in the present petition.

4. Mr.Suresh Kumar appearing for the respondents states that the Tribunal was constrained to pass those orders, but leaves it to this Court to pass appropriate orders.

5. Under these circumstances, in our view, the better course will be that Original Application No.613 of 2001 is restored in the interest of justice. We, therefore, allow this petition in terms of prayer clause (a). Rule is made absolute as above. No order as to costs.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)